

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH ALLEN JACKSON

v.

KYLE RUSSELL,¹ et al.

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CIVIL ACTION NO. 23-741

ORDER

This 9th day of April, 2024, upon careful and independent consideration of Joseph Allen Jackson's amended petition for writ of habeas corpus (ECF 6), and after review of the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski (ECF 17),² it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The amended petition for a writ of habeas corpus is **DENIED** and **DISMISSED**;
3. A certificate of appealability shall not issue, in that the Petitioner has not made a substantial showing of the denial of a constitutional right nor demonstrated that reasonable jurists would debate the correctness of this ruling. 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and
4. The Clerk of the Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Gerald Austin McHugh
United States District Judge

¹ Mr. Jackson originally named as a defendant the Commonwealth. ECF 1 (initial habeas petition). However, Kyle Russell, the Acting Superintendent of Lehigh County Jail, where Mr. Jackson was previously incarcerated, is the correct party to name as a defendant. Rule 2(a) of Rules Governing §2254 Cases.

² Mr. Williams did not file objections to Magistrate Judge Sitarski's Report and Recommendation despite having been granted a liberal extension of time within which to do so. ECF 19.